

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	1

MR. SPEAKER:

*Your Committee on Government and Regulatory Reform, to which was referred House Bill 1261, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 12, between lines 3 and 4, begin a new paragraph and insert:
- 2 "SECTION 12. IC 4-4-33 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2006]:
- 5 **Chapter 33. Miscellaneous Community Development Programs**
- 6 **Sec. 1. The lieutenant governor shall administer the following:**
- 7 **(1) The Housing Assistance Act of 1937 (42 U.S.C. 1437).**
- 8 **(2) Community services programs, including the Community**
- 9 **Services Block Grant under 42 U.S.C. 9901 et seq.**
- 10 **(3) Home energy assistance programs, including the Low**
- 11 **Income Home Energy Assistance Block Grant under 42 U.S.C.**
- 12 **8621 et seq.**
- 13 **(4) Weatherization programs, including weatherization**
- 14 **programs and money received under 42 U.S.C. 6851 et seq.**
- 15 **(5) Food and nutrition programs, including food and nutrition**

programs and money received under 7 U.S.C. 612, 7 U.S.C. 7501 et seq., and 42 U.S.C. 9922 et seq.

(6) Migrant and farm worker programs and money under 20 U.S.C. 6391 et seq., 29 U.S.C. 49 et seq., and 42 U.S.C. 1397 et seq.

(7) Emergency shelter grant programs and money under 42 U.S.C. 11371 et seq.

(8) Shelter plus care programs and money under 42 U.S.C. 11403 et seq.

SECTION 13. IC 4-4-34 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 34. Home Energy Assistance Programs

Sec. 1. As used in this chapter, "eligible household" means a household determined by the lieutenant governor to be eligible in the state plan for the program period.

Sec. 2. As used in this chapter, "eligible individual" means:

- (1) a person who was systematically persecuted for racial or religious reasons by Nazi Germany or any other Axis regime; or
- (2) an heir of a person described in subdivision (1).

Sec. 3. As used in this chapter, "Holocaust victim's settlement payment" means a payment received:

- (1) as a result of the settlement of the action entitled "In re Holocaust Victims' Asset Litigation", (E.D. NY) C.A. No. 96-4849;
- (2) under the German Act Regulating Unresolved Property Claims;
- (3) under any other foreign law providing payments for Holocaust claims; or
- (4) as a result of the settlement of any other Holocaust claim, including:
 - (A) insurance claims;
 - (B) claims relating to looted art;
 - (C) claims relating to looted financial assets; or
 - (D) claims relating to slave labor wages.

Sec. 4. As used in this chapter, "home energy" means electricity, oil, gas, coal, propane, or any other fuel for use as the principal

source of heating or cooling in residential dwellings.

Sec. 5. As used in this chapter, "home energy supplier" means a person, including a trustee or receiver appointed by a court, engaged in the furnishing or selling of home energy in Indiana.

Sec. 6. The home energy assistance programs must provide assistance, including emergency assistance, to low income households in Indiana to:

- (1) defray home energy costs; and
- (2) provide assistance to low income households;

for home energy conservation measures.

Sec. 7. The lieutenant governor shall do the following:

- (1) Administer an appropriation made for the purposes specified in section 7 of this chapter.
- (2) Receive and administer money that may be available to the state for energy and conservation assistance from the federal government.
- (3) Establish criteria to determine eligibility for assistance under this chapter.

Sec. 8. The lieutenant governor may determine the amount of assistance that an eligible household may receive.

Sec. 9. (a) The criteria for determining the amount of assistance may include the following:

- (1) The age of an applicant for assistance.
- (2) Whether the applicant is employed.
- (3) Household income during the past one hundred eighty (180) days.
- (4) Household size.
- (5) Type of fuel used for primary heating or cooling.
- (6) The need for assistance.
- (7) Residency.
- (8) The age and energy efficiency of the applicant's dwelling and heating plant.

(b) Unless prohibited by federal law, the criteria for determining the amount of assistance must include a consideration of an applicant's housing status. The lieutenant governor shall give weight to an applicant's housing status in the following order, from greatest weight to least weight:

- (1) An applicant who resides in nonsubsidized housing.

(2) An applicant who resides in subsidized housing in which home energy costs are not included in the rent.

(3) An applicant who resides in subsidized housing in which home energy costs are included in the rent.

(c) The lieutenant governor shall annually:

(1) review the formula used by the lieutenant governor to determine the amount of assistance awarded under this chapter; and

(2) prepare a report that includes:

(A) the following information for the most recent federal fiscal year:

(i) The number of applicants for assistance under this chapter.

(ii) The number of assistance awards made under this chapter.

(iii) The average amount of assistance awarded under this chapter for all recipients and by category of housing status; and

(B) a statement of:

(i) the formula that the lieutenant governor is currently using to determine the amount of assistance under this chapter; and

(ii) the lieutenant governor's intention regarding any change in the formula described in item (i).

(d) The lieutenant governor shall file the report required under subsection (c)(2) in an electronic format under IC 5-14-6 with the legislative council before April 1 each year.

Sec. 10. Except as provided by federal law, if an individual receives a state or federal higher education award that is paid directly to an approved institution of higher learning (as defined in IC 20-12-21-3) for that individual's benefit:

(1) the individual is not required to report the award as income or as a resource of the individual when applying for assistance under this chapter; and

(2) the award may not be considered as income or a resource of the individual in determining initial or continuing eligibility for assistance under this chapter.

Sec. 11. The lieutenant governor may require a home energy

1 supplier or an agency of state or local government or may contract
2 with another public or private agency to do the following:

- 3 (1) Disseminate information about the program.
- 4 (2) Receive or aid in the preparation of applications for
5 assistance.
- 6 (3) Assist in determining eligibility for assistance.

7 Sec. 12. An application must be made on standardized forms
8 provided by the lieutenant governor and in accordance with
9 procedures established by the lieutenant governor.

10 Sec. 13. The lieutenant governor shall establish methods for
11 providing assistance to eligible households. Methods may include
12 the following:

- 13 (1) Direct payments by cash or check to eligible households.
- 14 (2) Direct vendor payments.
- 15 (3) Lines of credit to home energy suppliers.
- 16 (4) The use of coupons and vouchers redeemable by the state.

17 Sec. 14. The lieutenant governor may require the following:

- 18 (1) A home energy supplier to accept vendor payments, lines
19 of credit, or coupons and vouchers as full or partial payment
20 for the cost of home energy consumed by eligible households.
- 21 (2) An operator of residential housing units to accept vendor
22 payments or coupons and vouchers as full or partial payment
23 of rent by eligible households making undesignated payments
24 for home energy costs in the form of rent payments.

25 Sec. 15. The lieutenant governor shall establish procedures for
26 the conduct of hearings and appeals upon request from applicants
27 who have been denied assistance.

28 Sec. 16. A recipient may not transfer or assign assistance under
29 this chapter except as allowed by the lieutenant governor.

30 Sec. 17. The lieutenant governor may recover from a recipient
31 the amount of assistance that the lieutenant governor determines
32 the recipient was not entitled to receive.

33 Sec. 18. If a recipient obtained excessive assistance fraudulently,
34 the recipient shall pay a penalty equal to twenty percent (20%) of
35 the excessive assistance.

36 Sec. 19. A claim under this chapter may be recovered from the
37 recipient or the recipient's estate by civil action and is a preferred
38 claim against the estate of a recipient under IC 29-1-14-9(6).

1 **Sec. 20. A:**

2 **(1) home energy supplier;**

3 **(2) landlord; or**

4 **(3) building operator;**

5 **that uses the name of an applicant or a recipient or information**
 6 **contained in applications made under this chapter for any purpose**
 7 **other than as specified by the lieutenant governor commits a Class**
 8 **B misdemeanor.**

9 **Sec. 21. The lieutenant governor may take actions necessary to**
 10 **implement this chapter, including the establishment of conditions**
 11 **regulating service termination to eligible households that the**
 12 **lieutenant governor determines to be appropriate and necessary to**
 13 **ensure the availability of federal financial assistance."**

14 Page 12, line 34, delete "Indiana housing and community
 15 development authority" and insert "**lieutenant governor**".

16 Page 12, line 35, delete "authority's" and insert "**lieutenant**
 17 **governor's**".

18 Page 19, line 34, strike "and".

19 Page 19, line 37, delete "IC 8-9.5-9-7." and insert "IC 8-9.5-9-7;".

20 Page 19, between lines 37 and 38, begin a new line block indented
 21 and insert:

22 **"(30) to promote and foster low income housing, the**
 23 **rehabilitation of communities and the creation of commercial**
 24 **development to promote social welfare through the relief of**
 25 **the poor and distressed or of the underprivileged, and to**
 26 **combat community deterioration;**

27 **(31) to provide a range of services and activities having a**
 28 **measurable and potentially major impact on the cause of**
 29 **poverty;**

30 **(32) to provide activities designed to assist low income**
 31 **participants, including the elderly poor, to:**

32 **(A) secure and retain meaningful employment;**

33 **(B) attain an adequate education;**

34 **(C) make better use of available income;**

35 **(D) obtain and maintain adequate housing and a suitable**
 36 **living environment;**

37 **(E) obtain emergency assistance through loans or grants to**
 38 **meet immediate and urgent individual and family needs,**

- 1 including the need for health services, energy assistance,
- 2 nutritious food, housing, and employment related
- 3 assistance;
- 4 (F) remove obstacles and solve problems that block the
- 5 achievement of self-sufficiency;
- 6 (G) achieve greater participation in the affairs of the
- 7 community; and
- 8 (H) make more effective use of other programs related to
- 9 the purposes of this chapter;
- 10 (33) to provide on an emergency basis for the provision of
- 11 supplies, nutritious foodstuffs, and related services that are
- 12 necessary to counteract conditions of starvation and
- 13 malnutrition among the poor;
- 14 (34) to coordinate and establish linkages between
- 15 governmental and other social services programs to ensure the
- 16 effective delivery of services to low income individuals;
- 17 (35) to encourage the use of entities in the private sector of the
- 18 community in efforts to ameliorate poverty in the community;
- 19 (36) to coordinate the provision of available services for
- 20 migrant farmworkers;
- 21 (37) to study housing conditions and needs throughout
- 22 Indiana to determine in what areas congested and unsanitary
- 23 housing conditions constitute a menace to the health, safety,
- 24 welfare, and reasonable comfort of citizens;
- 25 (38) to recommend programs for correcting the causes of
- 26 poverty;
- 27 (39) to collect and distribute information relative to housing;
- 28 (40) to investigate all matters affecting the cost of construction
- 29 or production of dwellings;
- 30 (41) to study means of lowering rents of dwellings through
- 31 economy in the construction and arrangement of buildings;
- 32 (42) to recommend the areas within which or adjacent to
- 33 which the construction of housing projects by housing
- 34 authorities may be undertaken;
- 35 (43) to cooperate with local housing officials and plan
- 36 commissions in the development of projects that the officials
- 37 or commissions have under consideration;
- 38 (44) to make special studies and recommendations for the

1 rehabilitation of areas affected by floods or other disasters;
 2 (45) to administer energy assistance programs and any
 3 appropriation made for the purpose of providing energy
 4 assistance;
 5 (46) to receive and administer money that may be available to
 6 the state for energy and conservation assistance from the
 7 federal government;
 8 (47) to establish criteria to determine eligibility for energy
 9 assistance;
 10 (48) to administer the low income home weatherization
 11 programs;
 12 (49) to provide community services, crime prevention, and job
 13 training (as defined in IC 6-3.1-9-1);
 14 (50) to take actions necessary to implement its powers that the
 15 authority determines to be appropriate and necessary to
 16 ensure the availability of state or federal financial assistance;
 17 and
 18 (51) to administer any program or money designated by the
 19 state or available from the federal government or other
 20 sources that is consistent with the authority's powers and
 21 duties."

22 Page 21, delete lines 28 through 32.

23 Page 33, delete lines 9 through 42.

24 Delete pages 34 through 37.

25 Page 38, delete lines 1 through 39.

26 Page 39, line 13, delete "IC 5-20-7" and insert "**IC 4-4-34**".

27 Page 39, line 16, delete "IC 5-20-7" and insert "**IC 4-4-34**".

28 Page 42, line 24, delete "IC 5-20-7" and insert "**IC 4-4-34**".

29 Page 42, line 32, delete "IC 5-20-7" and insert "**IC 4-4-34**".

30 Page 48, line 6, delete "Indiana housing and community
 31 development" and insert "**lieutenant governor**".

32 Page 48, line 7, delete "authority".

33 Page 48, line 7, delete "IC 5-20-7." and insert "**IC 4-4-34**".

34 Page 48, line 12, delete "Indiana" and insert "**lieutenant governor**
 35 **under IC 4-4-34**".

36 Page 48, delete lines 13 through 14.

37 Page 48, line 20, delete "Indiana housing and community
 38 development authority" and insert "**lieutenant governor**".

- 1 Page 48, line 21, delete "IC 5-20-7" and insert "**IC 4-4-34**".
- 2 Page 48, line 24, delete "IC 5-20-7." and insert "**IC 4-4-34.**".
- 3 Page 48, line 26, delete "Indiana" and insert "**lieutenant governor**".
- 4 Page 48, line 27, delete "housing and community development
- 5 authority".
- 6 Page 48, line 28, delete "IC 5-20-7," and insert "**IC 4-4-34,**".
- 7 Page 48, line 32, delete "authority" and insert "**lieutenant**
- 8 **governor**".
- 9 Page 48, line 35, delete "IC 5-20-7." and insert "**IC 4-4-34.**".
- 10 Renumber all SECTIONS consecutively.
(Reference is to HB 1261 as introduced.)

and when so amended that said bill do pass.

Representative Buck